



Jackson County Missouri

JOURNAL

County Legislature

Jackson County Courthouse
415 East 12th Street, 2nd floor
Kansas City, Missouri 64106
(816)881-3242

Dan Tarwater, (4th), Chairman, Henry C. Rizzo (2nd AL), Vice-Chairman,
Robert A. Stringfield, (1st AL), Fred Arbanas (3rd AL),
Scott Burnett (1st), Eugene Standifer Jr. (2nd), Dennis Waits (3rd),
Rhonda L. Shoemaker (5th), Bob Spence (6th)

Monday, February 28, 2005

2:30 PM

Ninth Regular Meeting

Independence Courthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers

Dan Tarwater, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

Present: Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

Dennis Waits moved to approve the journal of the previous meeting held on 2/22/2005.
Seconded by Henry C. Rizzo.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

None.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Katheryn Shields, County Executive, said there was a public hearing held last week hosted by the Public Works Department. The hearing was regarding an update for the Public Works Master Plan. There were 25-30 people in attendance, not including county staff and consultants. The public saw presentations on proposed changes to Jackson County's Master Plan including land use, stormwater and erosion issues. She thinks it was a positive event and she thanked Rhonda Shoemaker for attending. The County intends to sponsor these kinds of public hearings on various subjects more often in the coming year, primarily focusing on County road projects. Legislators will receive invitations in advance.

Katheryn said she is scheduled to make a stormwater presentation on Monday evening to the Independence City Council on the Jackson County Stormwater Management Plan. She said the Jackson County Stormwater Commission has been meeting and has completed the first phase, Study of the Watersheds. She said the County is now building partnerships with the other cities, the development community, state and federal agencies as well as citizens who may be experiencing flooding problems to look at this issue on county-wide and then a water shed basis. She believes this will create much better planning for the County and put us in a position to access state and federal funds that may be available. She said there is an ordinance on the agenda today that deals with stormwater regulations. She thanked the Legislature for their support.

Henry C. Rizzo, County Legislator, asked for an update on the stadium issue.

Katheryn Shields said they are trying to regroup and talk to all the interested parties. She said the Sports Authority is taking the lead and will hopefully come back to the Legislature with recommendations. She said both teams want to stay at the stadium.

Henry C. Rizzo asked if there was a target date to place this issue on the ballot.

Katheryn Shields said if it is placed on the August 2005 ballot, the deadline to put it on the ballot is May 24, 2005. She said Dan Tarwater, Scott Burnett and Dennis Waits have been working with her on this issue.

Dennis Waits, County Legislator, said he understands there is a meeting scheduled to be held on Thursday, March 3 at 4 p.m. so that the Chiefs can offer some clarification of their position.

Dan Tarwater, Chairman, said they are looking at an entire package which will include the quarter cent sales tax in addition to monies from the State and City. This package will be worked out before taking it to a vote of the people.

Resolution #15398 was adopted at this time. See page 6 for details.

Robert A. Stringfield, County Legislator, introduced Bill Wilcox and John Pennell who have been phone soliciting to get contributions for this cause.

Bill Wilcox said Tina Porter, mother of the missing children, will be on the Dr. Phil show on Wednesday, March 2 regarding the Amber Alert. He also mentioned that there is a benefit to be held at the Rick West Theatre and Convention Center on March 20 at 3 p.m. and 8 p.m. Tickets are \$20.00 per seat and it is to fund TIPS.

Robert Stringfield thanked Ken Evans, Public Information Officer, because he made this happen with his contacts. Mr. Stringfield presented the courtesy resolution to Ed Parker and his employees.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

Dennis Waits moved to waive the reading of Ordinances #3601 and #3602. Seconded by Fred Arbanas.

The motion passed by a voice vote.

(APPROVED)

The Land Use Committee will have a public hearing on Thursday, March 10, 2005 at 1:00 P.M. at Fleming Hall on Ordinances #3601 and #3602.

[3601](#) AN ORDINANCE granting a conditional use permit (CUP) in District A (Agricultural) for a period of ten (10) years to continue operation of a private aviation field on seventy (70) ± acres, subject to conditions.

(Land Use Committee - 3rd. Perfection)

[3602](#) AN ORDINANCE granting a conditional use permit (CUP) in District A (Agricultural) in perpetuity for a family cemetery on a 1,500 ± square foot tract of land, subject to conditions.

(Land Use Committee - 3rd. Perfection)

Henry Rizzo moved to waive the reading of Ordinance #3604. Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

[3604](#) AN ORDINANCE repealing section 1136.1, Jackson County Code, 1984, relating to the sale of property owned by Jackson County and enacting, in lieu thereof, a new section relating to the same subject.

(Finance and Audit Committee - 2nd. Perfection)

[3605](#) Public Works Committee moved to perfect. Consent Agenda.

[3606](#) Public Works Committee moved to perfect. Consent Agenda.

[3607](#) Finance and Audit Committee moved to perfect. Consent Agenda.

Scott Burnett moved to waive the reading of Ordinance #3608. Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

[3608](#) Health and Justice Committee moved to perfect. Consent Agenda.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

Fred Arbanas, County Legislator, said legislators received a letter from Tim and Donna Dernosek. He wanted to comment on the letter. He said the Plan Commission disapproved this change of zoning. Members of the Land Use Committee did go out and look at the property then talked to the County Counselor and Mark Trosen from the Public Works Department. After the Land Use Committee meeting, all members decided to approve this change. The letter mentions a driveway but County records show that it is an easement and committee members have been told that the easement is not part of this zoning issue. It has also been mentioned, not in the letter, that Mark Trosen is a friend of the applicant which is why this change happened. Mr. Arbanas said he asked Mark Trosen and Mr. Trosen indicated that this was not true. Mr. Arbanas said there is a deep dam on the property and he indicated that there are no restrictions since this is in an unincorporated area.

Dan Tarwater thanked Mr. Arbanas for the time he spends on issues such as this one.

[3598](#) Consent Agenda.

[3603](#) Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

[15383](#) Finance and Audit Committee moved do pass. Consent Agenda.

[15391](#) A RESOLUTION acknowledging the Fowler Report concerning the Jackson County Office of Human Relations and Citizen Complaints and making recommendations pursuant to the Fowler Report.

(Finance and Audit Committee - 1st. Meeting)

[15393](#) Anti-Drug Committee moved do pass. Consent Agenda.

[15394](#) Land Use Committee moved do pass. Consent Agenda.

[15395](#) Land Use Committee moved do pass. Consent Agenda.

[15396](#) Land Use Committee moved do pass. Consent Agenda.

9 CONSENT AGENDA

- [3605](#) AN ORDINANCE appropriating \$493,009.00 from the unappropriated surplus of the 2005 Special Road and Bridge Fund, and awarding a contract on Bid No. PW13-2004 for the Colbern Road Phase III Project No. 2455 to Radmacher Brothers Excavation of Pleasant Hill, MO, in the actual amount of \$2,458,712.70.
(PERFECTED)
- [3606](#) AN ORDINANCE enacting Chapter 241, Jackson County Code, 1984, relating to the development of land, and enacting, in lieu thereof, ten new sections relating to the same subject.
(PERFECTED)
- [3607](#) AN ORDINANCE repealing sections 1030., 1040., 1050., 1060., 1062., 1063., and 1064., Jackson County Code, 1984, relating to purchasing, and enacting, in lieu thereof, seven new sections relating to the same subject.
(PERFECTED)
- [3608](#) AN ORDINANCE appropriating \$171,341.00 from the unappropriated surplus of the 2005 Grant Fund and accepting a grant from the U.S. Department of Health and Human Services for the Jackson County Health Department's Jail Diversion by Law Enforcement Crisis Intervention Project and authorizing the County Executive to execute contracts with Swope Health Services in the amount of \$116,441.00 and Community Network for Behavioral Healthcare, Inc. (CommCare) in the amount of \$54,900.00 at a total aggregate cost to the County not to exceed \$171,341.00.
(PERFECTED)
- [3598](#) AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 12 ± acres from District A (Agricultural) to District RE (Residential Estates).
(ADOPTED)
- [3603](#) AN ORDINANCE appropriating \$55,051.00 from the unappropriated surplus of the 2005 Grant Fund and authorizing the County Executive to execute an extension for an additional six months to the contract awarded to the Family Court Division of the Circuit Court of Jackson County pursuant to a grant from the Missouri Children's Division for the Family-Centered Out-of-Home Care Pilot Project.
(ADOPTED)
- [15383](#) A RESOLUTION awarding a twelve (12) month term and supply contract for the furnishing of carpentry and construction services for use by various County departments to Brunn-Ulmer Construction Co., of Kansas City, KS, under the terms and conditions of Invitation to Bid No. 64-04. This award is based on an as needed basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases is subject to annual appropriation.
(ADOPTED)

[15393](#) A RESOLUTION authorizing the County Executive to execute an agreement with Bensoft Incorporated for the development and maintenance of an internet website for the Prosecuting Attorney's Office for the term of January 1, 2005 through December 31, 2005 at a cost to the County not to exceed \$25,000.00.

(ADOPTED)

[15394](#) A RESOLUTION awarding a contract on Electronic Solicitation No. BB200519 for the furnishing of Printing of Calendar Brochures for use by the Parks and Recreation Department to Reflection Printing, Inc. of Lenexa, KS, in the amount of \$9,023.00.

(ADOPTED)

[15395](#) A RESOLUTION authorizing the County Executive to execute an Intergovernmental Cooperative Agreement with the City of Lee's Summit, Missouri, regarding certain property of 10 acres described herein to be annexed to the City of Lee's Summit, Missouri.

(ADOPTED)

[15396](#) A RESOLUTION authorizing the County Executive to execute an Intergovernmental Cooperative Agreement with the City of Lee's Summit, Missouri, regarding certain property of 20 acres described herein to be annexed to the City of Lee's Summit, Missouri.

(ADOPTED)

To perfect Ordinances 3605, 3606, 3607, 3608. To adopt Ordinances 3598, 3603. To adopt Resolutions 15383, 15393, 15394, 15395, 15396.

Dennis Waits moved the passage of the consent agenda. Seconded by Henry C. Rizzo. The motion passed by a roll call vote:

Yes: 9 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

None.

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[15397](#) Authorizing the County Executive to execute an agreement with the U. S. Department of Justice for the extension of the Local Law Enforcement Block Grant administered by the Sheriff's Department at no additional cost to the County.

(Health and Justice Committee)

[15398](#)

Robert A. Stringfield moved the passage of Resolution #15398, commending the owner and employees of Champion Chrysler-Plymouth-Jeep of Independence, Missouri, for their meritorious offering of a 2005 Jeep Grand Cherokee Laredo as a reward for information leading to the whereabouts of Sam and Lindsey Porter. Seconded by Henry C. Rizzo.

Yes: 9 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

[15399](#)

Authorizing the County Executive to execute an agreement with the Missouri Department of Public Safety for the extension of the Disproportionate Minority Confinement grant administered by the Jackson County Family Court Division at no additional cost to the County.

(Health and Justice Committee)

[15400](#)

Authorizing the County Executive to execute an agreement with the Missouri Highway and Transportation Commission through the Missouri Division of Transportation providing partial reimbursement for the improvement of Woods Chapel Road between I-470 and Liggett Road in an amount not to exceed \$2,765,000.00.

(Public Works Committee)

Robert A. Stringfield said \$4,000.00 per complaint is how much it cost taxpayers for the ombudsman to handle 31 complaints in 2003, according to a study that cost taxpayers \$16,000.00, which was the Fowler Report. The unpublicized report has gathered dust since it was issued last September. He said he was introducing a resolution to put a stop to waste and abuse of tax dollars. He told how he honestly and sincerely feels about an ombudsman office that today is not worth its weight in salt. The ombudsman is hired and may be fired only by an eight-member volunteer commission appointed by the County Executive, who names the chair. To preserve the independence of the ombudsman, the Charter framers made no provision for removing the commissioners appointed for terms.

The buck must stop with the County Executive. She is accountable for the performance of the eight volunteer commissioners. The buck must stop with the Legislature, accountable for the quality of candidates for the commission. The buck must stop with the eight commissioners, accountable for the performance of the ombudsman.

He said too much money has gone down the drain for too many years in front of our very eyes. Today the ombudsman office is a sham, a phantom that we pay lip service to. We have misled the public with "window dressing." Why \$4,000.00 average for the handling of a single complaint, an exorbitant and preposterous sum? What does an effective ombudsman bring to government? Sunshine. The ombudsman turns the spotlight on us. Maybe that is why the County Executive and the Legislature may want the ombudsman office to fail. Those who don't like the ombudsman, don't like the spotlight. The ombudsman brings transparency to government. Sunshine is what the public deserves, not darkness. Complaints generate change and help us do our jobs better. We learn from complaints. We learn what we are doing bad, so we can then learn how to serve the public better. What should happen? The ombudsmen must be resurrected from the ashes of shame. The ombudsman office must be highly publicized. The ombudsman must be marketed so people know where to complain and enjoy confidence that their complaints will be investigated thoroughly and that they will receive a response quickly.

An effective ombudsman is good for the County Executive, good for the County Legislature and good for the vast majority of dedicated employees of Jackson County. Why is the ombudsman good for Jackson County employees? More often than not, as other government ombudsman offices have proved, the ombudsman supports government employees 80% of the time. If the complaining citizen gets angry because the ombudsman supports an employee, the complainer has the ombudsman to blame more than the accused employee.

An effective ombudsman detects patterns of complaints. Root causes of complaints are unearthed. Action is taken. County employees suffer complaints because we leaders do not flush out the root causes of complaints. When everybody on a team works together with high morale and feeling good about the performance of their fellow players of the team, they win the Super Bowl. Mr. Arbanas has done that, so he knows the feeling.

Mr. Stringfield said to look at the scandals that have reached us recently in Jackson County. From the scandal of the Prosecutor accusing the County Executive of mismanagement of the COMBAT surplus tax, to the scandal of the waiver of interest and penalties on personal property taxes, to the scandal not collecting personal property taxes on airplanes - all this has reflected on us as leaders of Jackson County government. He said he doesn't like it. The scandals have eaten away the confidence citizens have in us. He is not saying that if Jackson County had an effective ombudsman that the scandals would not have occurred. But what he is saying is that when people enjoy confidence in government they are more likely to report fraud, waste and abuse. It is more likely that a scandal will be more quickly exposed and stopped when whistle blowers blow the whistle to an ombudsman they respect. Either we begin to start the process to improve the performance of the ombudsman or the voters will eventually have their say and close down the office. They will amend the charter to abolish the office. If that happens, it will be a national disgrace. Not having an ombudsman inside government serving a population of 650,000 will shame Jackson County, the second county in the nation to give birth to a county ombudsman that opened its doors in 1973.

Why is the ombudsman office so ineffective? He said the public doesn't know it exists. The ombudsman must be publicized and marketed and a staff of peak performers must be ready to receive, investigate and resolve complaints. Complaint forms must be circulated in city halls and courthouses and tax assessment and collection offices throughout the county, even in libraries. The web site of the ombudsman must be improved among many other things.

In summary, he said the Resolution has less to do with the ombudsman commission chairman and more to do with the County Executive and the Legislature, all of whom have gummed the issue to death. The time has come to put teeth into a solution. This means getting the right people in place, funding the office adequately and paying volunteer commissioners enough to cover their expenses.

He said the Resolution he is introducing recommends the County go by a letter from Sidney Willens sent per a request from the County Executive dated February 23. He then read the BE IT RESOLVED paragraph of Resolution #15401. He mentioned that Sidney Willens was the first chairman of the OHRCC. He has volunteered to consult, free of charge, to get OHRCC where it needs to be. His first recommendation requests the Chairman of OHRCC to tender resignation followed by invitation to legislators to propose a panel of three names from which a successor can be selected. The second recommendation is a signed commitment of "minimum expectations" from individual commissioners to attend 12 monthly commission meetings yearly in Kansas City or Independence with no more than two excused absences for good cause only and to meet at least once a year in another city or town in Jackson County for the purpose of receiving complaints. The third recommendation is to run an advertisement in selected newspapers as follows: Help Wanted: Jackson County Ombudsman Commissioners. Must be able to regard the performance of Jackson County officials with cool detachment and to cast a critical eye on heavy-handed administrative rules and bureaucratic red tape. Must be willing to listen to complaints regardless of how petty and even if they come from the most chronic complainer. No salary. Submit resume to your Jackson County legislator on or before June 1, 2005. Mr. Tarwater agrees that Mr. Willens attend a legislative meeting to explain how and why an effective ombudsman works to the ultimate benefit of elected and appointed officials.

Henry C. Rizzo asked if it would be a charter change to submit a panel of three people.

Mr. Stringfield said the charter does not address anything where the County Executive or Legislature could do anything about the commissioners once they are in office.

Henry C. Rizzo asked if the Legislature has any control over the Director of OHRCC or its staff.

Mr. Stringfield responded no, the OHRCC Commission has control.

Dennis Waits, County Legislator, said this is not a new topic for the County Legislature, as it has been dealing with this issue for quite some time. He said Jay Haden, Acting County Counselor, recommended that the Legislature retain the National Ombudsman Association who prepared the report. The Legislature felt that was the right approach because we needed someone who was experienced and clearly independent. There is a systemic problem because the OHRCC is an independent entity under the charter, and the Legislature and Executive do not have any control. He believes that we do need changes which is why he introduced a Resolution with suggestions. He agrees the office needs to have higher visibility because they are currently hidden from public access. He said he and Troy Thomas, Chief Financial Officer, have looked for other spaces but have been unsuccessful. He said he would not even oppose moving the office to Independence.

Katheryn Shields said serving on the OHRCC Commission is a thankless job. Most of the female members have either resigned or are going to resign because they are afraid to attend the meetings. There is constant harassment and intimidation.

Dennis Waits said Katheryn Shields has had ongoing dialogue with Mr. Willens to try to figure out how to address this. Many things can be done but they will require charter changes. There are also budget considerations because if all recommendations in the Fowler report are implemented, it will be an efficient office but it may cost between a quarter to half million dollars a year. The inception of the OHRCC was during a time when there was concern about discrimination in hiring practices and treatment of citizens. Over the last four years, there have been some changes in society and changes in federal and state law and Jackson County has an excellent record as far as dealing with these problems without resulting in complaints to the OHRCC. He said he does not think the Fowler report is a waste of money since we are using it as a basis to make changes to the OHRCC.

Katheryn Shields said Mr. Waits made excellent points. The framers of the charter have put an attendance requirement in place which mirrors that of the County Legislature. It states that if a member of the OHRCC Commission misses more than three consecutive meetings without an excuse then they can be terminated. The framers believed in the independence of this function and the charter specifically exempts OHRCC from the executive power to consolidate, abolish, and reorganize departments. Article X, Section VI reads "This office shall not be subject to the power of the Executive set forth in Article IV, Section XI of this charter." She said it is true that there are not a number of complaints that go to OHRCC. That does not mean that the citizens of Jackson County are mute. They are finding other avenues to bring their concerns about County government. County legislators receive calls from their constituents and they very diligently answer the concerns from citizens. The County Executive's office also works with departments to answer any complaints or questions from citizens.

Katheryn Shields said she has been talking and meeting with Mr. Willens regarding this OHRCC issue. She agrees with him on the importance of OHRCC. She does not agree with him that the way to affect change is to attack the citizen members of the board. She thinks Chairman Davis of OHRCC has worked hard and he brings openings to her attention. Mr. Davis has also talked to County legislators about problems they face. She is not willing to be so ungrateful for his work and time, to ask him to resign. She is anxious for Mr. Willens to come and speak to the County Legislature about his suggestions. She welcomes his input as he is a knowledgeable man with a great mind.

Henry C. Rizzo said it is a fair statement to say that the charter framers did this to keep politics out of it.

Katheryn Shields agreed. She said the idea of an ombudsman is that they want it to be independent. The reason you have a commission, is to create that additional measure of independence. The ombudsman and staff are reporting to the commission and not to any specific concerns that the Legislature or Executive may have. They represent the citizens not the elected officials.

Bob Spence, County Legislator, said he has trouble with this resolution, in particular the first recommendation, because there is a tremendous problem getting people to serve on this commission. He said Mr. Willens stated in his letter that the Chairman not once responded to him and Mr. Spence understands that the Chairman has been to Mr. Willens house for a meeting. To attack members of this committee individually will drive more members away from the commission and make staffing more difficult.

Katheryn Shields said she thinks everyone is on the same page in terms of what needs to be accomplished. Everyone wants OHRCC to be an effective representative for the citizens of Jackson County. She thinks they all need to work together to figure out how to accomplish this task.

Ed Rucker, County Counselor, said this has been an issue he has discussed with the County Executive since he took office in August 2004. He said there are some things that can be done without a charter change. However, some of the larger changes will require a charter change, which will require an ordinance and a public vote. The issue is trying to make a governmental body respond quickly, it is a responsiveness issue versus an independence issue.

[15401](#)

Requesting that the County Executive implement the February 23, 2005 recommendations made by Sidney L. Willens regarding the Office of Human Relations and Citizen Complaints (OHRCC) and the OHRCC Commission.

(Finance and Audit Committee)

[15402](#)

Awarding a three-year term and supply contract with NOVA Information Systems, Inc., of Knoxville, TN, for the furnishing of credit card payment processing services for use by the Parks and Recreation Department as a sole source purchase.

(Land Use Committee)

[15403](#)

Authorizing thirty-six (36) month renewals and upgrades of the existing contracts with Southwestern Bell Communications for the furnishing of Frame Relay Data Circuits for use by the Parks and Recreation Department at the Jacomo Headquarters and Longview Golf Course and to the Independence Courthouse Annex at an annual cost to the County not to exceed \$19,488.00 and a total three (3) year cost not to exceed \$58,464.00 as a sole source purchase.

(Finance and Audit Committee)

[15404](#)

Authorizing the County Executive to execute a contract under Request For Proposals No. 13-05 with Mobile Video Services, Inc., of North Kansas City, MO for the furnishing of Real Property Appraisal Data Verification Services and Software for use by the Public Works, Assessment and GIS Departments and transferring \$243,658.00 within the 2005 Assessment Fund and \$126,687.00 within the 2005 Special Road and Bridge Fund to make up the balance necessary to accomplish this purchase at a total cost to the County not to exceed \$758,375.00.

(Finance and Audit Committee)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

None.

14 NEW BUSINESS

None.

15 **ADJOURNMENT**

Henry C. Rizzo moved to adjourn the meeting. Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Monday, March 7, 2005 at 2:30 p.m. in the Legislative Assembly Area, Kansas City, Missouri.